

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
: CONSENT PRELIMINARY
- v. - : ORDER OF FORFEITURE/
KRISTIAN CRUZ, : MONEY JUDGMENT
a/k/a "YB," :
a/k/a "Dope Boy," : S1 18 Cr. 249 (PAE)
: Defendant. :
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WHEREAS, on or about October 25, 2018, KRISTIAN CRUZ, a/k/a "YB," a/k/a "Dope Boy," (the "Defendant") was charged in a five-count Superseding Information, S1 18 Cr. 249 (GBD) (the "Information") with conspiracy to distribute and possess with intent to distribute (a) one kilogram and more of mixtures and substances containing a detectable amount of heroin, (b) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, (c) 400 grams and more of mixtures and substances containing a detectable amount of an analogue of fentanyl, (d) mixtures and substances containing a detectable amount of MDMA, (e) mixtures and substances containing a detectable amount of dibutylone, (f) mixtures and substances containing a detectable amount of morphine, and (g) less than 50 kilograms of marijuana, in violation of Title 21, United States Code, Section 846 (Count One); possession of a firearm in furtherance of a narcotics trafficking offense, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2 (Count Two); felony possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1) (Count Three); obstruction of justice, in violation of Title 18, United States Code, Section 1510(a) (Count Four); and racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d) (Count Five);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Information and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information that the Defendant personally obtained;

WHEREAS, on or about October 25, 2018, the Defendant pled guilty to Counts One through Five of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from, directly or indirectly, as a result of the offense charged in Count One of the Information and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds that the Defendant personally obtained as a result of the offense charged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$2,000,000.00 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney Jonathan Rebold of counsel, and the Defendant, and his counsel, Andrew Bauer, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$2,000,000.00 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, KRISTIAN CRUZ, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the “United States Department of Treasury” and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

4. The United States Department of Treasury (or its designee) is authorized to deposit the payments on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. This Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief, Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:



Jonathan Rebeld
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2512

2/27/2020
DATE

KRISTIAN CRUZ

By:



KRISTIAN CRUZ

2/27/20
DATE

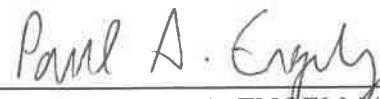
By:



Andrew Bauer, Esq.
Arnold & Porter Kaye Scholer LLP
250 W 55th Street
New York, NY 10019
Attorney for KRISTIAN CRUZ

2/27/20
DATE

SO ORDERED:



HONORABLE PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE

2/27/20
DATE